

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 362

Introduced by Assembly Member De Leon
(Coauthor: Senator Scott)

February 14, 2007

An act to amend Sections 11106, 12010, 12011, and 12012 of, and to add Sections 12315, 12316.5, 12317, 12318, and 12326 to, the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

AB 362, as amended, De Leon. Ammunition.

Existing law requires the Department of Justice to maintain records pertaining to firearms transactions.

This bill would require the department to maintain additional information relating to ammunition transfers, as specified.

Existing law establishes the Prohibited Armed Persons File, which lists persons who are prohibited from possessing firearms, as specified.

This bill would expand those provisions to include persons prohibited from possessing ammunition.

Existing law generally regulates the sale of ammunition.

This bill would require that commencing July 1, 2008, unless specifically excluded, no person shall sell or transfer more than 50 rounds of handgun ammunition in any month unless they are registered as a handgun ammunition vendor, as defined. The bill would also require these vendors to obtain a background clearance for those employees who would handle ammunition in the course and scope of their

employment. The bill would require the Department of Justice to maintain a registry of registered handgun ammunition vendors, as specified. Violation of these provisions, as specified, would be a misdemeanor.

The bill would also provide that no retail seller of ammunition shall sell, offer for sale, or display for sale, any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser without the assistance of the retailer or employee thereof. Violation of these provisions would be punishable as an infraction with a fine of \$500, or as a misdemeanor.

The bill would further provide that handgun ammunition may only be purchased in a face-to-face transaction and only if certain conditions exist.

By creating new crimes, this bill would impose a state-mandated local program.

Existing law provides that it is a crime to sell ammunition to a minor, or to sell handgun ammunition to a person who is under 21 years of age.

This bill would provide that any person under 21 years of age who purchases, or who attempts to purchase, handgun ammunition by using a false identification document, or by otherwise misrepresenting the person's age, and any minor who purchases, or attempts to purchase, any ammunition by using a false identification document, or otherwise misrepresenting the person's age, is guilty of a misdemeanor.

By creating a new crime, this bill would impose a state-mandated local program.

Existing law generally regulates what information is required to be obtained in connection with the transfer of ammunition.

This bill would, subject to exceptions, require certain ammunition vendors to obtain a thumbprint and other information from ammunition purchasers, and would require submission of that information to the Department of Justice, as specified. A violation of these provisions would be a misdemeanor.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11106 of the Penal Code is amended to
2 read:

3 11106. (a) In order to assist in the investigation of crime, the
4 prosecution of civil actions by city attorneys pursuant to paragraph
5 (3) of subdivision (c), the arrest and prosecution of criminals, and
6 the recovery of lost, stolen, or found property, the Attorney General
7 shall keep and properly file a complete record of all copies of
8 fingerprints, copies of licenses to carry firearms issued pursuant
9 to Section 12050, information reported to the Department of Justice
10 pursuant to Section 12053, submitted pursuant to Section 12326,
11 dealers' records of sales of firearms, reports provided pursuant to
12 Section 12072 or 12078, forms provided pursuant to Section 12084,
13 as that section read prior to being repealed by the act that amended
14 this section, reports provided pursuant to Section 12071 that are
15 not dealers' records of sales of firearms, and reports of stolen, lost,
16 found, pledged, or pawned property in any city or county of this
17 state, and shall, upon proper application therefor, furnish this
18 information to the officers referred to in Section 11105.

19 (b) (1) Except as provided in subdivision (d), the Attorney
20 General shall not retain or compile any information from reports
21 filed pursuant to subdivision (a) of Section 12078 for firearms that
22 are not handguns, from forms submitted pursuant to Section 12084,
23 as that section read prior to being repealed by the act that amended
24 this section, for firearms that are not handguns, or from dealers'
25 records of sales for firearms that are not handguns. All copies of
26 the forms submitted, or any information received in electronic
27 form, pursuant to Section 12084, as that section read prior to being
28 repealed by the act that amended this section, for firearms that are
29 not handguns, or of the dealers' records of sales for firearms that
30 are not handguns shall be destroyed within five days of the
31 clearance by the Attorney General, unless the purchaser or
32 transferor is ineligible to take possession of the firearm. All copies
33 of the reports filed, or any information received in electronic form,
34 pursuant to subdivision (a) of Section 12078 for firearms that are
35 not handguns shall be destroyed within five days of the receipt by

1 the Attorney General, unless retention is necessary for use in a
2 criminal prosecution.

3 (2) A peace officer, the Attorney General, a Department of
4 Justice employee designated by the Attorney General, or any
5 authorized local law enforcement employee shall not retain or
6 compile any information from a firearms transaction record, as
7 defined in paragraph (5) of subdivision (c) of Section 12071, for
8 firearms that are not handguns unless retention or compilation is
9 necessary for use in a criminal prosecution or in a proceeding to
10 revoke a license issued pursuant to Section 12071.

11 (3) A violation of this subdivision is a misdemeanor.

12 (c) (1) The Attorney General shall permanently keep and
13 properly file and maintain all information reported to the
14 Department of Justice pursuant to Sections 12071, 12072, 12078,
15 12082, and former Section 12084 or any other law, as to handguns
16 and maintain a registry thereof.

17 (2) The registry shall consist of all of the following:

18 (A) The name, address, identification of, place of birth (state
19 or country), complete telephone number, occupation, sex,
20 description, and all legal names and aliases ever used by the owner
21 or person being loaned the particular handgun as listed on the
22 information provided to the department on the Dealers' Record of
23 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
24 in former Section 12084, or reports made to the department
25 pursuant to Section 12078 or any other law.

26 (B) The name and address of, and other information about, any
27 person (whether a dealer or a private party) from whom the owner
28 acquired or the person being loaned the particular handgun and
29 when the firearm was acquired or loaned as listed on the
30 information provided to the department on the Dealers' Record of
31 Sale, the LEFT, or reports made to the department pursuant to
32 Section 12078 or any other law.

33 (C) Any waiting period exemption applicable to the transaction
34 which resulted in the owner of or the person being loaned the
35 particular handgun acquiring or being loaned that firearm.

36 (D) The manufacturer's name if stamped on the firearm, model
37 name or number if stamped on the firearm, and, if applicable, the
38 serial number, other number (if more than one serial number is
39 stamped on the firearm), caliber, type of firearm, if the firearm is
40 new or used, barrel length, and color of the firearm.

1 (3) Information in the registry referred to in this subdivision
2 shall, upon proper application therefor, be furnished to the officers
3 referred to in Section 11105, to a city attorney prosecuting a civil
4 action, solely for use in prosecuting that civil action and not for
5 any other purpose, or to the person listed in the registry as the
6 owner or person who is listed as being loaned the particular
7 handgun.

8 (4) If any person is listed in the registry as the owner of a firearm
9 through a Dealers' Record of Sale prior to 1979, and the person
10 listed in the registry requests by letter that the Attorney General
11 store and keep the record electronically, as well as in the record's
12 existing photographic, photostatic, or nonerasable optically stored
13 form, the Attorney General shall do so within three working days
14 of receipt of the request. The Attorney General shall, in writing,
15 and as soon as practicable, notify the person requesting electronic
16 storage of the record that the request has been honored as required
17 by this paragraph.

18 (d) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
19 of subdivision (b) of Section 11105 may disseminate the name of
20 the subject of the record, the number of the firearms listed in the
21 record, and the description of any firearm, including the make,
22 model, and caliber, from the record relating to any firearm's sale,
23 transfer, registration, or license record, or any information reported
24 to the Department of Justice pursuant to Section 12021.3, 12053,
25 12071, 12072, 12077, 12078, 12082, or 12285, or information
26 reported to the Department of Justice pursuant to Section 12326
27 as to the brand, type, and amount of ammunition transferred if the
28 following conditions are met:

29 (A) The subject of the record has been arraigned for a crime in
30 which the victim is a person described in subdivisions (a) to (f),
31 inclusive, of Section 6211 of the Family Code and is being
32 prosecuted or is serving a sentence for the crime, or the subject of
33 the record is the subject of an emergency protective order, a
34 temporary restraining order, or an order after hearing, which is in
35 effect and has been issued by a family court under the Domestic
36 Violence Protection Act set forth in Division 10 (commencing
37 with Section 6200) of the Family Code.

38 (B) The information is disseminated only to the victim of the
39 crime or to the person who has obtained the emergency protective

1 order, the temporary restraining order, or the order after hearing
2 issued by the family court.

3 (C) Whenever a law enforcement officer disseminates the
4 information authorized by this subdivision, that officer or another
5 officer assigned to the case shall immediately provide the victim
6 of the crime with a “Victims of Domestic Violence” card, as
7 specified in subparagraph (H) of paragraph (9) of subdivision (c)
8 of Section 13701.

9 (2) The victim or person to whom information is disseminated
10 pursuant to this subdivision may disclose it as he or she deems
11 necessary to protect himself or herself or another person from
12 bodily harm by the person who is the subject of the record.

13 SEC. 2. Section 12010 of the Penal Code is amended to read:

14 12010. (a) The Attorney General shall establish and maintain
15 an online database to be known as the Prohibited Armed Persons
16 File. The purpose of the file is to cross-reference persons who have
17 ownership or possession of a firearm or ammunition on or after
18 January 1, 1991, as indicated by a record in the Consolidated
19 Firearms Information System, or as indicated in reports submitted
20 to the Department of Justice pursuant to Section 12326, and who,
21 subsequent to the date of that ownership or possession of a firearm
22 or ammunition, fall within a class of persons who are prohibited
23 from owning or possessing a firearm or ammunition.

24 (b) The information contained in the Prohibited Armed Persons
25 File shall only be available to those entities specified in, and
26 pursuant to, subdivision (b) or (c) of Section 11105, through the
27 California Law Enforcement Telecommunications System, for the
28 purpose of determining if persons are armed and prohibited from
29 possessing firearms or ammunition.

30 SEC. 3. Section 12011 of the Penal Code is amended to read:

31 12011. The Prohibited Armed Persons File database shall
32 function as follows:

33 (a) Upon entry into the Automated Criminal History System of
34 a disposition for a conviction of any felony, a conviction for any
35 firearms-prohibiting charge specified in Section 12021, a
36 conviction for an offense described in Section 12021.1, a firearms
37 prohibition pursuant to Section 8100 or 8103 of the Welfare and
38 Institutions Code, an ammunition prohibition pursuant to
39 subdivision (b) of Section 12316, or any firearms possession
40 prohibition identified by the federal National Instant Check System,

1 the Department of Justice shall determine if the subject has an
2 entry in the Consolidated Firearms Information System indicating
3 possession or ownership of a firearm on or after January 1, 1991,
4 or an assault weapon registration, or a .50 BMG rifle registration,
5 or ammunition as indicated in reports submitted to the Department
6 of Justice pursuant to Section 12326.

7 (b) Upon an entry into any department automated information
8 system that is used for the identification of persons who are
9 prohibited from acquiring, owning, or possessing firearms or
10 ammunition, the department shall determine if the subject has an
11 entry in the Consolidated Firearms Information System indicating
12 ownership or possession of a firearm on or after January 1, 1991,
13 or an assault weapon registration, or a .50 BMG rifle registration,
14 or acquired ammunition as indicated in reports submitted to the
15 Department of Justice pursuant to Section 12326.

16 (c) If the department determines that, pursuant to subdivision
17 (a) or (b), the subject has an entry in the Consolidated Firearms
18 Information System indicating possession or ownership of a firearm
19 on or after January 1, 1991, or an assault weapon registration, or
20 a .50 BMG rifle registration, or acquired ammunition as indicated
21 in reports submitted to the Department of Justice pursuant to
22 Section 12326, the following information shall be entered into the
23 Prohibited Armed Persons File:

24 (1) The subject's name.
25 (2) The subject's date of birth.
26 (3) The subject's physical description.
27 (4) Any other identifying information regarding the subject that
28 is deemed necessary by the Attorney General.

29 (5) The basis of the firearms or ammunition possession
30 prohibition.

31 (6) A description of all firearms owned or possessed by the
32 subject, as reflected by the Consolidated Firearms Information
33 System or ammunition acquired as indicated in reports submitted
34 to the Department of Justice pursuant to Section 12326.

35 SEC. 4. Section 12012 of the Penal Code is amended to read:
36 12012. The Attorney General shall provide investigative
37 assistance to local law enforcement agencies to better ensure the
38 investigation of individuals who are armed and prohibited from
39 possessing a firearm or ammunition.

40 SEC. 5. Section 12315 is added to the Penal Code, to read:

1 12315. (a) As used in this section, the following terms apply:

2 (1) “Handgun ammunition” means handgun ammunition as
3 defined in subdivision (a) of Section 12323.

4 (2) “Registered handgun ammunition vendor” means any person
5 or business that has all of the following:

6 (A) Any regulatory or business license, or licenses, required by
7 local government.

8 (B) A valid seller’s permit issued by the State Board of
9 Equalization.

10 (C) Is among those recorded in the centralized ammunition
11 vendor’s registry specified in subdivision (c).

12 (D) A certificate of eligibility issued pursuant to Section 12071.

13 (3) “Immediate family member” has the same meaning as set
14 forth in subdivision (c) of Section 12078.

15 (b) Commencing July 1, 2008, no person shall sell or transfer
16 more than 50 rounds of handgun ammunition in any month unless
17 the person is registered as a handgun ammunition vendor as
18 described in paragraph (1).

19 (c) A registered handgun ammunition vendor shall not permit
20 any employee who the registered handgun ammunition vendor
21 knows or reasonably should know is a person described in Section
22 12021 or 12021.1 of this code or Section 8100 or 8103 of the
23 Welfare and Institutions Code to handle handgun ammunition in
24 the course and scope of his or her employment. A registered
25 handgun ammunition vendor is authorized to request a background
26 clearance from the Department of Justice pursuant to subdivision
27 (d) of Section 12076 to determine if an employee or potential
28 employee is a person described in any of the specified sections.
29 The department may require the registered handgun ammunition
30 vendor to charge a fee sufficient to reimburse it for the background
31 clearance authorized pursuant to subdivision (e) of Section 12076.
32 Fees received by the department pursuant to this section shall be
33 deposited in the Dealers’ Record of Sale Special Account of the
34 General Fund.

35 (d) The Department of Justice shall keep a centralized registry
36 of all persons, businesses, and corporations who are registered
37 handgun ammunition vendors. The department may remove from
38 this registry any vendor who violates the provisions of this chapter.
39 Upon removal of a registered handgun ammunition vendor from
40 this registry, notification shall be provided to local law enforcement

1 and licensing authorities in the jurisdiction where the vendor's
2 business is located.

3 (e) This section does not apply to any of the following:

4 (1) Wholesale sellers of handgun ammunition who sell or
5 transfer handgun ammunition to persons or entities as set forth in
6 paragraphs (2) to (8), inclusive.

7 (2) Sales or transfers of handgun ammunition by a target facility
8 which holds a business or regulatory license to persons who are
9 on the premises of the target facility or sales of handgun
10 ammunition to persons who are on the premises of any club or
11 organization organized for the purposes of practicing shooting at
12 targets upon established ranges, whether public or private, if the
13 sale of the ammunition occurs at the premises of the target range
14 or on the premises of the club or organization and is sold to a
15 person who is using ammunition primarily at the facility.

16 (3) Sales or transfers of handgun ammunition by persons
17 licensed pursuant to Section 12071.

18 (4) Sales or transfers of handgun ammunition by commercial
19 hunting clubs, game bird clubs, or pheasant clubs licensed by the
20 Department of Fish and Game.

21 (5) Sales or transfers of handgun ammunition by a nonprofit
22 public benefit or mutual benefit corporation organized pursuant
23 to Part 2 (commencing with Section 5110) or Part 3 (commencing
24 with Section 7110) of Division 2 of the Corporations Code, if both
25 of the following conditions are satisfied:

26 (A) The nonprofit public benefit or mutual benefit corporation
27 is selling ammunition to assist the corporation or local chapters of
28 the corporation in conducting auctions or similar events at which
29 firearms are auctioned off and to fund the activities of the
30 corporation or the local chapters of the corporation.

31 (B) The firearms being auctioned off at the corporation's
32 auctions or events are not primarily handguns.

33 (6) A person who is on the centralized list maintained by the
34 Department of Justice pursuant to Section 12083.

35 (7) Sales or transfers of handgun ammunition to authorized law
36 enforcement representatives of cities, counties, cities and counties,
37 or state or federal governments for exclusive use by those
38 government agencies if, prior to the delivery, transfer, or sale of
39 these firearms, written authorization from the head of the agency
40 authorizing the transaction is presented to the person from whom

1 the purchase, delivery, or transfer is being made. Proper written
2 authorization is defined as verifiable written certification from the
3 head of the agency by which the purchaser or transferee is
4 employed, identifying the employee as an individual authorized
5 to conduct the transaction, and authorizing the transaction for the
6 exclusive use of the agency by which he or she is employed.

7 (8) Sales or transfers of handgun ammunition to authorized
8 representatives of cities, counties, cities and counties, or state or
9 federal governments for those government agencies in which the
10 entity is acquiring the ammunition as part of an authorized,
11 voluntary program in which the entity is buying or receiving
12 ammunition from private individuals.

13 (9) Sales or transfers of handgun ammunition between
14 immediate family members or spouses or registered domestic
15 partners.

16 (10) Sales or transfers of handgun ammunition at a target facility
17 which holds a business or regulatory license to persons who are
18 on the premises of the target facility between persons who are on
19 the premises of any club or organization organized for the purposes
20 of practicing shooting at targets upon established ranges, whether
21 public or private, if the sale or transfer of the ammunition occurs
22 on the premises of the target range or on the premises of the club
23 or organization and is sold to a person who is using ammunition
24 primarily at the facility.

25 (f) A violation of this section is punishable as a misdemeanor.

26 SEC. 6. Section 12316.5 is added to the Penal Code, to read:

27 12316.5. (a) Any person under 21 years of age who purchases,
28 or who attempts to purchase, handgun ammunition by using a false
29 identification document, or by otherwise misrepresenting the
30 person's age, and any minor who purchases, or attempts to
31 purchase, any ammunition by using a false identification document,
32 or otherwise misrepresenting the person's age, is guilty of a
33 misdemeanor.

34 (b) As used in this section, "handgun ammunition" means
35 handgun ammunition as defined in subdivision (a) of Section
36 12323.

37 SEC. 7. Section 12317 is added to the Penal Code, to read:

38 12317. (a) As used in this section, the following terms apply:

39 (1) "Handgun ammunition" means handgun ammunition as
40 defined in subdivision (a) of Section 12323.

1 (2) “Seller of ammunition” means any of the following:

2 (A) A person licensed pursuant to Section 12071.

3 (B) A person registered as a registered handgun ammunition
4 vendor with the Department of Justice pursuant to Section 12315.

5 (C) A commercial hunting club, game bird club, or pheasant
6 club licensed by the Department of Fish and Game.

7 (D) A target facility which holds a regulatory or business license.

8 (E) A person who is on the centralized list maintained by the
9 Department of Justice pursuant to Section 12083.

10 (b) No seller of ammunition shall sell, offer of sale, or display
11 for sale, any handgun ammunition in a manner that allows that
12 ammunition to be accessible to a purchaser without the assistance
13 of the seller or employee thereof.

14 (c) Violation of this section is punishable as an infraction with
15 a fine of five hundred dollars (\$500), or as a misdemeanor.

16 (d) The Attorney General is authorized to adopt regulations to
17 implement the provisions of this section.

18 SEC. 8. Section 12318 is added to the Penal Code, to read:

19 12318. (a) Handgun ammunition may only be purchased in a
20 face-to-face transaction, provided that the seller view a bona fide
21 evidence of identity from the retail purchaser and act in accordance
22 with existing law.

23 (b) (1) “Bona fide evidence of identity” means a document issued
24 by a federal, state, county, or municipal government, or subdivision
25 or agency thereof, including, but not limited to, a motor vehicle
26 operator’s license, state identification card, identification card
27 issued to a member of the armed forces, or other form of
28 identification that bears the name, date of birth, description, and
29 picture of the person.

30 (2) “Handgun ammunition” means handgun ammunition as
31 defined in subdivision (a) of Section 12323.

32 (c) Subdivision (a) shall not apply to or effect the deliveries,
33 transfers, or sales of, handgun ammunition to any of the following:

34 (1) Authorized law enforcement representatives of cities,
35 counties, cities and counties, or state and federal governments for
36 exclusive use by those government agencies if, prior to the delivery,
37 transfer, or sale of the handgun ammunition, written authorization
38 from the head of the agency employing the purchaser or transferee,
39 is obtained identifying the employee as an individual authorized

1 to conduct the transaction, and authorizing the transaction for the
2 exclusive use of the agency employing the individual.

3 (2) Sworn peace officers, as defined in Chapter 4.5 (commencing
4 with Section 830) of Title 3 of Part 2 who are authorized to carry
5 a firearm in the course and scope of their duties.

6 (3) Rimfire ammunition.

7 SEC. 9. Section 12326 is added to the Penal Code, to read:

8 12326. (a) For purposes of this section, the following terms
9 apply:

10 (1) “Seller of handgun ammunition” means any of the following:

11 (A) Persons licensed pursuant to Section 12071.

12 (B) A person registered with the Department of Justice pursuant
13 to Section 12315 as a registered handgun ammunition seller.

14 (C) A person who is on the centralized list maintained by the
15 Department of Justice pursuant to Section 12083.

16 (D) A target facility which holds a business or regulatory license.

17 (E) Commercial hunting clubs, game bird clubs, or pheasant
18 clubs licensed by the Department of Fish and Game.

19 (F) Gunsmiths.

20 (G) Wholesalers.

21 (H) Manufacturers or importers of firearms licensed pursuant
22 to Chapter 44 (commencing with Section 921) of Title 18 of the
23 United States Code, and the regulations issued pursuant thereto.

24 (2) “Handgun ammunition” means assembled live ammunition,
25 other than .22 caliber, primarily for use in a handgun.

26 (b) Commencing July 1, 2008, no seller of handgun ammunition
27 shall sell or otherwise transfer ownership of any handgun
28 ammunition without at the time of purchase recording the following
29 information in a format to be prescribed by the Department of
30 Justice:

31 (1) The date of the transaction.

32 (2) The name, address, and date of birth of the transferee.

33 (3) The transferee’s driver’s license or other identification
34 number and the state in which it was issued.

35 (4) The brand, type, and amount of ammunition transferred.

36 (5) The transferee’s signature.

37 (6) The name of the salesperson who processed the transaction.

38 (c) Commencing July 1, 2008, the seller of handgun ammunition
39 shall also at the time of purchase or transfer obtain the right
40 thumbprint of the purchaser or transferee on the above form, unless

1 the purchaser or transferee presents a valid hunting or sportsman's
2 license issued pursuant to Section 714, paragraphs (1) to (3),
3 inclusive, of subdivision (a) of Section 3031, or Section 3031.2 of
4 the Fish and Game Code, in which case the seller of handgun
5 ammunition shall record the number of the license.

6 (d) (1) Commencing July 1, 2008, the records required by this
7 section shall be maintained on the premises of the seller of handgun
8 ammunition for a period of not less than two years from the date
9 of the recorded transfer.

10 (2) Commencing July 1, 2008, the records shall be subject to
11 inspection at any time during normal business hours by any peace
12 officer employed by a sheriff, city police department, or district
13 attorney as provided in subdivision (a) of Section 830.1, or
14 employed by the Department of Justice as provided in subdivision
15 (b) of Section 830.1, provided the officer is conducting an
16 investigation where access to those records is or may be relevant
17 to that investigation, is seeking information about persons
18 prohibited from owning a firearm or ammunition, or is engaged
19 in ensuring compliance with the Dangerous Weapons Control Law
20 (Chapter 1 (commencing with Section 12000) of Title 2 of Part
21 4), or any other laws pertaining to firearms. The records shall also
22 be subject to inspection at any time during normal business hours
23 by any other employee of the Department of Justice, provided that
24 employee is conducting an investigation where access to those
25 records is or may be relevant to that investigation, is seeking
26 information about persons prohibited from owning a firearm or
27 ammunition, or is engaged in ensuring compliance with the
28 Dangerous Weapons Control Law (Chapter 1 (commencing with
29 Section 12000) of Title 2 of Part 4), or any other laws pertaining
30 to firearms.

31 (3) Commencing July 1, 2008, on the date of delivery of the
32 handgun ammunition, the seller of handgun ammunition shall
33 submit a report to the Department of Justice in such manner as the
34 department may prescribe containing the information set forth in
35 subdivision (b).

36 (e) (1) Commencing July 1, 2008, no person shall knowingly
37 make a false entry in, fail to make a required entry in, fail to obtain
38 the required thumbprint, or fail to maintain in the required manner
39 records prepared in accordance with subdivision (d). If the right
40 thumbprint is not available, then the seller of handgun ammunition

1 shall have the purchaser or transferee use his or her left thumb, or
2 any available finger, and shall so indicate on the form. If the
3 purchaser or transferee is physically unable to provide a thumbprint
4 or fingerprint, the seller of handgun ammunition shall so indicate
5 on the form.

6 (2) Commencing July 1, 2008, no person shall refuse to permit
7 a person authorized under paragraph (2) of subdivision (d) to
8 examine any record prepared in accordance with this section during
9 any inspection conducted pursuant to this section, or refuse to
10 permit the use of any record or information by those persons.

11 (f) A violation of this section shall constitute a misdemeanor.

12 (g) This section shall not apply to any of the following:

13 (1) Sales or transfer of handgun ammunition to or between any
14 of the following:

15 (A) Persons licensed pursuant to Section 12071.

16 (B) A person registered with the Department of Justice pursuant
17 to Section 12315 as a registered handgun ammunition seller.

18 (C) A person who is on the centralized list maintained by the
19 Department of Justice pursuant to Section 12083.

20 (D) A target facility which holds a business or regulatory license.

21 (E) Commercial hunting clubs, game bird clubs, or pheasant
22 clubs licensed by the Department of Fish and Game.

23 (F) Gunsmiths.

24 (G) Wholesalers.

25 (H) Manufacturers or importers of firearms licensed pursuant
26 to Chapter 44 (commencing with Section 921) of Title 18 of the
27 United States Code, and the regulations issued pursuant thereto.

28 (I) A nonprofit public benefit or mutual benefit corporation
29 organized pursuant to Part 2 (commencing with Section 5110) or
30 Part 3 (commencing with Section 7110) of Division 2 of the
31 Corporations Code, if both of the following conditions are satisfied:

32 (i) The nonprofit public benefit or mutual benefit corporation
33 is selling ammunition to assist the corporation or local chapters of
34 the corporation in conducting auctions or similar events at which
35 firearms are auctioned off and to fund the activities of the
36 corporation or the local chapters of the corporation.

37 (ii) The firearms being auctioned off at the corporation's
38 auctions or events are not primarily handguns.

39 (2) Sales or transfers made to authorized law enforcement
40 representatives of cities, counties, cities and counties, or state or

1 federal governments for exclusive use by those government
2 agencies if, prior to the delivery, transfer, or sale of these firearms,
3 written authorization from the head of the agency authorizing the
4 transaction is presented to the person from whom the purchase,
5 delivery, or transfer is being made. Proper written authorization
6 is defined as verifiable written certification from the head of the
7 agency by which the purchaser or transferee is employed,
8 identifying the employee as an individual authorized to conduct
9 the transaction, and authorizing the transaction for the exclusive
10 use of the agency by which he or she is employed.

11 (3) Sales or transfers of handgun ammunition by a nonprofit
12 public benefit or mutual benefit corporation organized pursuant
13 to Part 2 (commencing with Section 5110) or Part 3 (commencing
14 with Section 7110) of Division 2 of the Corporations Code, if both
15 of the following conditions are satisfied:

16 (A) The nonprofit public benefit or mutual benefit corporation
17 is selling ammunition to assist the corporation or local chapters of
18 the corporation in conducting auctions or similar events at which
19 firearms are auctioned off and to fund the activities of the
20 corporation or the local chapters of the corporation.

21 (B) The firearms being auctioned off at the corporation's
22 auctions or events are not primarily handguns.

23 SEC. 10. (a) The Legislature finds and declares all of the
24 following:

25 (1) Although Section 12316 of the Penal Code bars various
26 categories of persons from possessing ammunition, there is no
27 instantaneous means of verifying whether those persons are
28 endeavoring to acquire handgun ammunition from persons
29 authorized to transfer handgun ammunition, and an instantaneous
30 check would be beneficial for both public safety and registered
31 owners of handguns.

32 (2) The Legislature on an overwhelming basis in 2001 enacted
33 legislation to identify registered owners of handguns and assault
34 weapons who subsequently became ineligible to possess the same
35 and set forth procedures for those persons to dispose of their
36 firearms and thereby avoid criminal liability for possessing or
37 disposing of their firearms.

38 (3) California driver's license number and identification
39 information is contained in all firearms transactions records
40 maintained by the state and the identification number is a

1 permanent and unique number which identifies who owns what
2 handgun and where he or she resides.

3 (b) The Attorney General shall prepare and submit to the
4 Legislature, on or before January 1, 2009, a report concerning all
5 of the following:

6 (1) Recommending a clear and succinct general procedure
7 whereby instantaneous background checks can be conducted on
8 persons wishing to acquire handgun ammunition.

9 (2) Integration of that system into the current handgun
10 registration process.

11 (3) The feasibility and cost of creating the type of background
12 check system referred to in this section.

13 (4) The costs overall and to individual users of creating that
14 system.

15 (5) The effect of the system on overall efforts by the Department
16 of Justice in terms of information and computerized upgrades that
17 the department is currently undertaking.

18 (6) Specific statutory changes to implement the system.

19 (c) It is the intent of the Legislature to enact legislation, based
20 on the Attorney General's report required by subdivision (b),
21 providing that commencing July 1, 2011, prior to the delivery of
22 handgun ammunition by a "seller of handgun ammunition," as
23 described in Section 12326, an instantaneous background check
24 will be conducted in order to determine that the recipient of the
25 ammunition is not prohibited from possessing ammunition pursuant
26 to subdivision (b) of Section 12316.

27 (d) *It is also the intent of the Legislature that this entire program*
28 *be fee supported.*

29 SEC. 11. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.